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Attorneys for Defendant Costco Wholesale Corporation

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

ANETA GIESY,

Case No. 3:22-cv-505

Plaintiff,

v.

COSTCO WHOLESALE CORPORATION,

Defendant.

**DEFENDANT COSTCO WHOLESALE
CORPORATION'S NOTICE OF
REMOVAL**

JURY TRIAL REQUESTED

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1441, § 1446 and § 1332(a), Defendant Costco Wholesale Corporation (hereinafter "Defendant") removes this action from the Circuit Court of the State of Oregon for the County of Multnomah to the United States District Court of Oregon, Portland Division. The grounds for removal of this action are:

RELEVANT FACTS

On December 31, 2021, Plaintiff filed a Complaint in the Circuit Court of Multnomah County, Oregon. Copies of the Summons and Complaint are attached hereto as Exhibits A and B, respectively. *See* Declaration of Jessica Lancaster (hereinafter “Lancaster Dec.”), ¶2. On March 17, 2022, Plaintiff served Costco Wholesale Corporation with a Summons and Complaint captioned *Aneta Giesy v. Costco Wholesale Corporation*, Case No: 22CV00183, filed in the Circuit Court for the State of Oregon for the County of Multnomah, State of Oregon. *See* Lancaster Dec., ¶3, Ex. C. These documents, taken together, constitute all process, pleadings and orders served on Costco Wholesale Corporation in that action up to the present date. Lancaster Dec., ¶4.

GROUND FOR REMOVAL

Pursuant to 28 U.S.C. § 1441(a), a defendant may remove an action filed in the state court to the United States District Court if the district court has diversity jurisdiction over the action. This action is one over which the district court has diversity jurisdiction under 28 U.S.C. § 1332(a)(1). The grounds for removal of this action are:

1. Plaintiff’s principal claims for relief against Defendant exceed \$75,000.00. Plaintiff seeks damages of \$256,872.00. Complaint ¶7.

2. Plaintiff and Defendant are residents of different states. Plaintiff is a resident of the state of Oregon. *See* Complaint ¶1. Costco Wholesale Corporation is a Washington Corporation with its principal place of business in Issaquah, Washington. Dec., ¶5. Therefore, the United States District Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as less than 30 days have elapsed since copies of the Summons and Complaint were served on Costco Wholesale

Corporation. A copy of the Service of Process/Declaration of Service is attached to the Lancaster Dec. as Ex. C.

4. No further proceedings have occurred in the Circuit Court of the State of Oregon for the County of Multnomah as of the date of this removal other than outlined herein.

5. Counsel for Costco Wholesale Corporation will file a copy of this Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for the County of Multnomah and will give notice of the same to Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Costco Wholesale Corporation prays that this action be removed from the Circuit Court for the State of Oregon for the County of Multnomah and placed on the docket of the United States District Court for the District of Oregon in the Portland Division.

DATED this 1st day of April, 2022.

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ANETA GIESY,

Case No. 3:22-cv-00505

Plaintiff,

CERTIFICATE OF SERVICE

v.

COSTCO WHOLESALE CORPORATION,

Defendant.

I hereby certify that on the 1st day of April, 2022, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to all registered individuals. Additionally, I hereby certify that a true copy of the foregoing

DEFENDANT COSTCO WHOLESALE CORPORATION'S NOTICE OF REMOVAL was

served as stated below on:

Grant Wenzlick
Attorney at Law
4085 SW 109th Avenue, Suite 100
Beaverton, OR 97005
Attorneys for Plaintiff

- ☐ By hand delivery
- ☒ By first-class mail*
- ☐ By overnight mail
- ☐ By facsimile transmission:
Fax #:
- ☒ By e-mail:
wenzlicklawoffice@gmail.com
- ☒ By U.S. District Court CM/ECF e-filing
service to registered parties

*With first-class postage prepaid and deposited in Portland, Oregon.

DATED this 1st day of April, 2022

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